

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

JAMES S. TATE, JR., } Case No. 2:09-cv-01748-JAD-NJK
Plaintiff(s), } ORDER
vs. } (Docket No. 149)
UNIVERSITY MEDICAL CENTER OF }
SOUTHERN NEVADA, et al., }
Defendant(s). }

Pending before the Court is Plaintiff's motion to strike Defendants' supplemental disclosures. Docket No. 149. Defendants filed a response and Plaintiff filed a reply. Docket Nos. 159, 161. This motion has been referred to the undersigned magistrate judge. *See* Docket No. 237 at 4. The Court finds the motion properly resolved without oral argument. *See* Local Rule 78-2. For the reasons discussed more fully below, the motion to strike is hereby **DENIED**.

The pending dispute centers on the supplemental disclosure of various witnesses and documents. Plaintiff argues that the disputed supplemental disclosures were untimely. *See, e.g.*, Docket No. 149 at 7. Defendants respond by representing that the disputed witnesses and documents will be used for impeachment purposes only, such that the disclosure requirements of Rules 26(a)(1)(A)(i) and 26(a)(1)(A)(ii) do not apply. *See, e.g.*, Docket No. 159 at 2 (“all of the information is ***for impeachment***”)

1 (emphasis in original)); Docket No. 159 at 8-9 (“Defendants chose to produce the information, even
2 though they were not required to do so, out of an overabundance of caution”).¹

3 Because the supplemental disclosures relate only to impeachment, the motion to strike is hereby
4 **DENIED.**

5 **IT IS SO ORDERED.**

6 DATED: February 5, 2016

7 
8 NANCY J. KOPPE
United States Magistrate Judge

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28 ¹ Defendants represent that not all of the witnesses and/or documents are newly disclosed. The Court
need not reach that issue, however, as all of the witnesses and documents go to impeachment.